

## REMARKS

Applicants respectfully note that while claim 42 was designated as rejected on the Office Action Summary, there was no discussion of that claim in the text of the Office Action. As claim 42 depends upon dependent claim 34 and independent claim 26, both of which are rejected both on the cover sheet and in the text, Applicants assume that the cover sheet is correct, and that the omission from the text was inadvertent. Claims 14 and 16-50 are pending in this application. Claims 14, 16-25, and 50 stand allowed. Claims 37-39 and 47-49 stand objected to. Claims 26-36 and 40-46 stand rejected. In interest of aiding prosecution, Applicants hereby amend claims 37, 47, and 48, and cancel claims 26-36 and 40-46 without prejudice. Applicants also hereby amend claim 16 to correct a typographical error. By these amendments and cancellations, Applicants do not acquiesce to the propriety of any of the Examiner's rejections and do not disclaim any subject matter to which the Applicants are entitled. *Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997). No new subject matter has been added by the amendments, and Applicants reserve the ability to pursue the cancelled claims in a divisional application.

### I. CLAIM OBJECTIONS

Examiner objected to claim 48 as lacking antecedent basis. Office Action at page 2. Examiner correctly assumed that claim 48 depended from claim 47 instead of claim 46. *Id.* Applicants have amended claim 48 to meet this objection and place claim 48 in condition for allowance.

Examiner objected to claims 37-39 and 47-49 as "being dependent upon a rejected base claim," but stated that those claims "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Office Action at page 6. Applicants have amended claims 37 and 47 to meet these objection and place claims 37-39 and 47-49 in condition for allowance.

## **II. CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

### **A. Rejection of claims 26, 29, 32-36, 40, 41, and 43 under 35 U.S.C. § 103 as being unpatentable over Husain et al. (US 6,361,695) in view of Tyllila (US 6,638,420), Wipperman (US 6,672,233), Leffler et al. (US2004/0099608), and Perlich et al. (US 6,773,611)**

The Examiner rejected Applicants' claims 26, 29, 32-36, 40, 41, and 43 under 35 U.S.C. § 103 as being unpatentable over Husain et al. (US 6,361,695) in view of Tyllila (US 6,638,420), Wipperman (US 6,672,233), Leffler et al. (US2004/0099608), and Perlich et al. (US 6,773,611). Office Action at page 2.

In order to aid prosecution and allowance, Applicants hereby cancel claims 26, 29, 32-36, 40, 41, and 43 without prejudice. Also in the furtherance of prosecution, Applicants will assume that Examiner meant to include claim 42 in this set of rejections, and hereby cancel claim 42 without prejudice. By these cancellations, Applicants do not acquiesce to the propriety of any of Examiner's rejections. Further, Applicants reserve the ability to pursue these cancelled claims in a divisional application.

### **B. Rejection of claims 27, 30, 31, 41, 44, and 46 under 35 U.S.C. § 103 as being unpatentable over Husain et al. (US 6,361,695) in view of Tyllila (US 6,638,420), Wipperman (US 6,672,233), Leffler et al. (US2004/0099608), Perlich et al. (US 6,773,611), and Tompkins et al. (US 5,932,091)**

The Examiner rejected Applicants' claims 27, 30, 31, 41, 44, and 46 under 35 U.S.C. § 103 as being unpatentable over Husain et al. (US 6,361,695) in view of Tyllila (US 6,638,420), Wipperman (US 6,672,233), Leffler et al. (US2004/0099608), Perlich et al. (US 6,773,611), and Tompkins et al. (US 5,932,091). Office Action at page 4.

In order to aid prosecution and allowance, Applicants hereby cancel claims 27, 30, 31, 41, 44, and 46 without prejudice. By these cancellations, Applicants do not acquiesce to the propriety of any of Examiner's rejections. Further, Applicants reserve the ability to pursue these cancelled claims in a divisional application.

**C. Rejection of claims 28 and 45 under 35 U.S.C. § 103 as being unpatentable over Husain et al. (US 6,361,695) in view of Tyllila (US 6,638,420), Wipperman (US 6,672,233), Leffler et al. (US2004/0099608), Perlich et al. (US 6,773,611), and Yuri et al. (US 2004/0026336)**

The Examiner rejected Applicants' claims 28 and 45 under 35 U.S.C. § 103 as being unpatentable over Husain et al. (US 6,361,695) in view of Tyllila (US 6,638,420), Wipperman (US 6,672,233), Leffler et al. (US2004/0099608), Perlich et al. (US 6,773,611) , and Yuri et al. (US 2004/0026336). Office Action at page 5.


In order to aid prosecution and allowance, Applicants hereby cancel claims 28 and 45 without prejudice. By these cancellations, Applicants do not acquiesce to the propriety of any of Examiner's rejections. Further, Applicants reserve the ability to pursue these cancelled claims in a divisional application.

**CONCLUSION**

Applicants have properly stated and traversed each of the Examiner's grounds for rejection. Applicants submit that the present application is now in condition for allowance.

If the Examiner has any questions or believes further discussion will aid examination and advance prosecution of the application, a telephone call to the undersigned is invited. If there are any additional fees due in connection with the filing of this amendment, please charge the fees to undersigned's Deposit Account No. 50-1067. If any extensions or fees are not accounted for, such extension is requested and the associated fee should be charged to our deposit account.

Respectfully submitted,

  
\_\_\_\_\_  
Don J. Pelto  
Reg. No. 33,754

February 6, 2006

Preston Gates Ellis & Rouvelas Meeds LLP  
1735 New York Avenue NW, Suite 500  
Washington, DC 20006  
Tel. 202.628.1700  
Fax. 202.331.1024